

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4713 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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R PANJARATHINAM

Versus

STATE OF GUJARAT

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Appearance:

MR HB SHAH for Petitioner

MR HC JANI for Respondent

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 26/08/96

ORAL JUDGMENT

Heard learned counsel for the parties. The petitioner was appointed on the post of Assistant Professor in the Microbiology in B.J. Medical College, Ahmedabad under the order dated 20th July 1977. The petitioner possessed qualifications of Ph.D in Bacteriology and Pathology (Vateranary), which he has taken from Agra university in the year 1972. In the year 1982, after joining the services, the petitioner has got

Ph.D. degree in Microbiology from Gujarat University. His services were terminated by the respondent under the order dated 31st August 1984 from 30th September 1984. In this order, no reasons have been given whatsoever.

2. The respondents have not filed any reply to this Special Civil Application. The learned counsel for the petitioner submitted that the petitioner has already retired from the services. The order of termination of services of the petitioner was stayed by this Court and he continued to work for all these years under the order of this Court. He further contended that the order of termination of services of the petitioner is arbitrary. No reasons whatsoever has been given out by the respondent for termination of his services. The petitioner was working on the post of Assistant Professor for last about 7 years till he was terminated from the services and as such, a reasoned order could have been passed. It has lastly been contended by the learned counsel for the petitioner that the respondent has even not come up with any ground for termination of service of petitioner before this Court also by filing any reply to this Special Civil Application.

3. The learned counsel for the respondent, on the other hand, admitted that no reasons have been given for termination of the service of the petitioner. However, the learned counsel for the respondent contended that the services of the petitioner were terminated as he was not possessing requisite qualifications for the post of Assistant Professor, (Microbiology).

4. I have given my thoughtful considerations to the submissions made by the learned counsel for the parties.

5. Undisputedly, the petitioner was working on the post of Assistant Professor in Microbiology since the day he was appointed under the order dated 20th July 1977. He has worked for about 7 years and in case for some reasons his services were required to be terminated, then the respondent should have given him a notice and reasonable opportunity of hearing. Moreover, it becomes necessary for the reason that the petitioner has acquired degree of Ph.D. in the year 1982 in the Microbiology. This exercise has not been undertaken by the respondent. Not only this, even reasons have not been given for termination of his services. The manner in which the petitioner has been terminated from service, who was working for about 7 years, is certainly arbitrary.

6. In the result, this Special Civil Application

succeeds and the same is allowed. The order of termination of the service of the petitioner, annexure 'C' dated 31st August 1984, is quashed and set aside. Rule is made absolute with no order as to costs.

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(sunil)